

CLYDESIDE

Action on Asbestos

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We would like to take the opportunity to point out some of the differences between the views, adopted by the Courts' and the Insurers also the D.S.S. and the Doctors', who are all involved in the culmination of any Civil Action, that a victim of Asbestosis has to suffer to prove his Industrial Illness, and also to prove where he contracted it. Also "He" or "She" has to go through the ordeal of the tortuous trials and tests which start from one's own G.P. then a minimum of another seven years between the Medical Pneumoconiosis Board, Coruna House, then the Respiratory Unit at the Glasgow Royal Infirmary, where an average of seven out of ten of the victims usually faint, through exhaustion and exertion. The sufferers usually have to go home, and to to bed for a few days to recover from the above ordeal. Surely the structure of this terrible trial on victims could be lessened in some way as Asbestosis is a progressive illness and can not be cured? Yet the medical profession keep to this procedure which makes the victims all feel far worse physically than when they went in for their portion of torture.

The other method is to admit the victims into hospital where they are usually asked to sign a paper to undergo surgery for a biopsy to be taken from the lungs. This has been done to thousands of times and still there has never been a cure for this terrible disease. The advanced stage of this disease is named Mesothelinoma which can only be caught by having Asbestosis. When a victim reaches this stage it is usually when he has had a biopsy and the condition inside him has been activated. If a victim refuses this course of treatment he or she is labled as a "hostile patient". In other words, refusing treatment that has never shown any results since the turn of the century.

We will enclose a copy of "Awake" magazine (22/3/91) which gives a better description than maybe we can, but what we can give you, is a true account of this dreaded disease, as we are all victims and also volunteers in this organisation who try to let the powers-that-be know the struggle we are up against, as we are self-supporting and feel we are being suppressed and overlooked.

After going through all the tests and trials the Medical Reports go to the D.S.S. to be assessed by the Adjudication Officer who looks at the results and usually decides, *in their own wisdom*, not to grant the victim a Disablement Allowance or Industrial Pension.

How can a person, who has no medical experience, overrule the findings of all these doctors who have been involved in respiratory and chest and lung conditions throughout their careers, be overruled by a person who is unqualified medically, and is not answerable to anybody?

We feel that a person who has worked at the Insulation Industry since leaving school should not have to prove at what particular time where he or she inhaled the asbestos that eventually becomes the cause of their live becoming hell for the victim. Also for their families, who have to watch them suffer these changes in the victim. This Industrial Disease, Asbestosis, is the only disease in the United Kingdom that has not got one hospice or convalescent home where the families or victims can get a little rest from their own surroundings.

We also feel that some of the legal company's lawyers are not being as helpful as they could be, as when we recommend a victim to go to see them, they feel that they are not wanted when they ask for Legal Aid. As they then feel that they are then put to the task of raising the money to proceed with the claim. When people cannot raise the money, they usually just forget about the claim. This is a terrible situation for anyone to face after coming through the medical and Adjudication Officer ordeals. As at the end of the day it is this office who furnish the names of the Industrial History and also supply the names of witnesses and the ships or the contracts so surely the lawyers are not put to great pains in compiling all the evidence together.

Some of the lawyers here employ doctors to do private examinations of the clients and tell them their state of health and advise them to pursue a claim. When the victim later on has to go to a medical tribunal they find that the doctors opposing them are the doctors who treated them over the years or the doctors that the lawyers engaged for the private exam.

Surely this is not a democratic way of dealing with the victims of asbestosis?

There are also the Insurance Companies, who seem to over-run the length of time they take to settle the claims as so often in the past the victim has died. Caught by cruel fate this is nothing new as it seems to be common practice by the Insurances "So Justice Delayed is Justice Denied". They seem to keep stalling, saying they can't trace the liquidators who handled the assets of various companies who went into liquidation when we know that the companies can be restored to the company list for a £100 fee.

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The Courts in England seem to have a quicker settlement system, and the amounts are far greater than those in Scotland, but the same thing prevails, no matter where a claim has to be heard, as the Advocates all gather together inside the corridors of the Court Buildings and approach the victim and give them the settlement that they originally asked for, so as there won't be any adverse publicity against the major companies. I don't think it is given the Lords any additional knowledge of Asbestosis so we are against all this time wasting tactic. Would it not be fairer if a client had to be assessed by a panel of people who have come through the industrial process and would know the financial loss in any household, once the wage earner is stricken with an industrial disease as it means that there is immediate poverty introduced into the home? Surely there must be some way where a fund can be set aside by the Insurance Companies and the Employers Federation, as they have had vast fortunes and profits over the years through the sweat and toil of the victims of Asbestos-related diseases?

As this can only be caught by working with the "stuff", and not by any other method, that is why it is a working man's disease and not self-induced such as Aids. The fact that we are victims and are able to council other victims, is a breakthrough to help alleviate their fears when they know that we are the same as themselves, the cannot get this identity at the D.S.S.

We are able to put their minds at rest as we are able to go through a lot of items that they are ignorant about as the D.S.S. don't volunteer these answers.

The amount of money that Lloyds of London, the largest insurance company in the world, have paid out in America has caused so much concern that there was a Special Fraud Squad set up solely to investigate Asbestos claims, but we don't think we will ever need to call them in, especially in Scotland, as there is so little publicity here about this disease. And yet the profits for the shareholders and the owners have always been immense. There seems to be a censorship being put into practice by the media of press and radio and television.

We hope that this insight into the plight of the victims and also this group of sufferers who are all in the same circumstances will help to speed up a change by the Scottish Law Commission to bring the Asbestos ruling into parity with the rest of the United Kingdom. As most of the large Asbestos Companies are all owned and registered in England by English aristocrats.

Thank You.